ATTY. DOCKET NO.: P63163US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Chenebaux et al.

Serial No.: 09/147,362 Art Unit: 1648

Filed: March 12, 1999 Examiner: J. Parkin

For: SYNTHETIC PEPTIDES USEFUL IN BIOLOGICAL ASSAYS FOR DETECTING INFECTIONS CAUSED BY GROUP O HIV-1 VIRUSES

TRANSMITTAL

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Transmitted herewith are a Response to Restriction Requirement, with respect to the Office action mailed December 14, 2000 for the above-captioned application.

_ Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.

_ A check in the amount of $ is attached for:.

XX If a Petition for Extension of Time is necessary and the Petition and/or the check is not enclosed, this will act as the Petition and applicant herewith petitions the Commissioner to extend the time for response and charge any fees necessary under 37 CFR 1.17 (a)-(d) to Deposit Account No. 06-1358. The Commissioner is also authorized to charge payment of any other additional fees associated with this communication or credit any overpayment to Deposit Account No. 06-1358.

Respectfully submitted,

By _____
William E. Player
Registration No. 31,409

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In re the Application of:

Chenebaux et al.

Serial No.: 09/147,362

Filed: March 12, 1999

Examiner J. Parkin

Art Unit: 1648

For: SYNTHETIC PEPTIDES USEFUL IN BIOLOGICAL ASSAYS FOR DETECTING INFECTIONS CAUSED BY GROUP O HIV-1 VIRUSES

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner of Patents
Washington, DC 20231

Sir:

The instant paper responds to the Office action mailed December 14, 2000.

In response to the election requirement in the outstanding Office action, Applicants elect the peptide comprising SEQ ID n° 14 of claim 21, with traverse.

Applicants understand that the Examiner finds against the unity of invention, which Applicant contests.

First, this application is the US national phase of a PCT application, and no objection of lack of unity was raised during prosecution of the international phase of this application.

Second, all the claimed peptides share a common structure (as shown by formula I, see claim 15), and exhibit a common property (as they are efficient tools for detecting HIV-1 group O infection).

This common structure is artificial, i.e., not naturally present in the HIV-1 virus proteins. It is provided by Applicants, in accordance with the presently claimed invention, to allow the detection of all the varieties of HIV-1 group O virus. Indeed, Applicants submit that HIV-1 virus types are classified according to the sequence of the V3 loop of the gp120 protein (protein

responsible for the infectious capacity of the virus). All the viruses with an extreme variability in this sequence have been classified as the "HIV-1 group O".

The artificial common structure, designed by the inventors in view of the main epitope of HIV-1 virus (epitope that is present on another protein than gp120), was found to allow the detection of many different HIV-1 viruses of group O.

Favorable action is requested.

Respectfully submitted,

By: _____
William E. Player
Registration No. 31,409

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